we build a stronger middle class. This is how we build a better future for our entire country. It is a first step, but it is a good one.

Congress can pass the Keep Student Loans Affordable Act. It is a short-term patch to keep interest rates on new loans from doubling for 1 year while Congress develops a plan to reform student loans and to make college more affordable. I support the measure, and I urge my colleagues to do the same.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. MANCHIN). Morning business is closed.

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EXECUTIVE SESSION

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NOMINATION OF GREGORY ALAN PHILLIPS TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The assistant legislative clerk read the nomination of Gregory Alan Phillips, of Wyoming, to be a United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided and controlled in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I don't wish to in any way cut into the time of the senior Senator from Wyoming, but I hope once he and Senator BARRASSO have finished speaking—once their time is consumed—we might agree that the vote will still be at 5:30, if possible, or as close to that time as possible.

Our Constitution provides the Senate an important role to play in providing advice to the President and in voting on whether to confirm nominees for our third branch of government. Last month, we were reminded of the importance of these confirmation votes when the Supreme Court handed down several narrowly-decided opinions that are already impacting millions of Americans. As a senior member of this chamber, I have voted on the confirmation of every one of the nine justices currently serving. Since only a tiny percentage of cases brought in Federal court ever end up at the Supreme Court, the Federal courts of appeal are often the courts of last resort for most disputes. I am glad that today we are finally voting to confirm another appellate nominee.

Before the Memorial Day recess, the minority leader asked during a floor debate when Gregory Phillips, the Wyoming nominee to the Tenth Circuit, would receive a vote. When the majority leader immediately offered a vote on that nominee, the minority leader demurred without giving any reason. Senate Republicans have now finally decided to allow the vote on Gregory Phillips to move forward, but there was no reason for this delay in his confirmation vote.

Gregory Phillips is currently the attorney general of Wyoming, a position to which he was appointed by Wyoming's Republican Governor. From 2010 to 2011 he worked in the Wyoming attorney general's office as the special assistant to the Governor for legislative affairs. Prior to working in the Wyoming attorney general's office, he was an assistant U.S. attorney in Wyoming, and spent 14 years in private practice. Attorney general Phillips has also served as a part-time deputy county attorney, an assistant municipal judge and as a state senator. Following law school, he served as a law clerk to the Honorable Alan B. Johnson of the U.S. district court for the District of Wyoming. The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Phillips "well qualified," its highest rating.

At his Judiciary Committee hearing, Attorney General Phillips was introduced by his two Republican home State Senators, Senator ENZI and Senator BARRASSO, both of whom strongly support his nomination. He was reported unanimously by the Judiciary Committee nearly 3 months ago. While his confirmation vote has not been delayed quite as long as votes on most of President Obama's nominees, he could and should have been confirmed last May when the majority leader offered.

With the confirmation of Attorney General Phillips, there will be 10 active judges on the Tenth Circuit. According to the most recent data, this means that the number of pending appeals per active judge on that court will drop from 150 to 135. I mention this because another appellate court, the DC Circuit, currently has 177 pending appeals per active judge. Despite that higher caseload, some Senate Republicans argue that the DC Circuit's caseload is too low, and that three of its judgeships should be eliminated. I suspect that many, if not all, of these Senators will vote to confirm Attorney General Phillips, even though his confirmation means that the Tenth Circuit will now have the lowest caseload in the country, just as earlier this year they supported the confirmation of Jane Kelly to the Eighth Circuit, which gave that court the lowest caseload in the country, and just as they supported the confirmation of Robert Bacharach to the Tenth Circuit, which gave that court the lowest caseload in the country. I hope those Senators will reconsider their double standard and not play politics with an independent branch of government.

Some of the same Senate Republicans who are opposing President Obama's three nominees to the DC Circuit are also criticizing him for making too few nominations and somehow claiming that many vacancies without a nominee cannot possibly be the fault of Senate Republicans. I recall that before President Obama made a single judicial nomination, all Senate Republicans sent him a letter threatening to filibuster his nominees if he did not consult Republican home State Senators. They cannot have it both ways.

I take very seriously my responsibility to make recommendations when we have vacancies in Vermont, whether the President is a Democrat or a Republican, and other Senators should do the same. After all, if there are not enough judges in our home States, it is our own constituents who suffer. It should be only a matter of weeks or months, not years, for Senators to make recommendations.

Unfortunately, in some States it appears as if there is no effort being made to recommend qualified nominees to the administration. There are three district vacancies in Georgia without nominees, and the oldest is over 4 years old. There are three district vacancies in Kentucky without nominees, and the oldest is over a year and a half old. There are seven district vacancies in Texas without nominees, and the oldest is over 4½ years old. Three months ago the Senators from Texas announced a nominations commission, but it is my understanding that it is still not accepting applications. If Senators want new judgeships in their States, they should be working especially hard to ensure that all existing ones are filled. Republican Senators who demanded to be consulted on nominations should live up to their responsibilities and fulfill their constitutional obligation to advise the President on nominations. They should follow the example of Democratic Senators: the administration has received recommendations for all current district vacancies in States represented by two Democratic Senators.

Moreover, the failure of some Republican Senators to help fill vacancies in their own States does not excuse their unwillingness to complete action on the nominations the President has made. I regret that I must correct the record, again, on how Senate Republicans have obstructed judicial nominees over the past 4 years. The continued assertion by Senate Republicans that 99 percent of President Obama's nominees have been confirmed is not accurate. President Obama has nominated 243 individuals to be circuit or district judges, and 197 have been confirmed by the Senate. That is 81 percent, not 99 percent. By way of comparison, at the same point in President Bush's second term, July 8 of his fifth year in office, President Bush had nominated 10 fewer people to be circuit or district judges, but had seen 215 of them confirmed, which is 18 more confirmations. The truth is that 92 percent